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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/151,321	09/11/1998	EIICHI YOSHIDA	05058/75601	7557

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EXAMINER

TRAN, DOUGLAS Q

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 11/12/2002

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/151,321

Applicant(s)

YOSHIDA, EIICHI

Examiner

Douglas Q. Tran

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 October 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-16, 18-20.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


GABRIEL GARCIA
PRIMARY EXAMINER

Continuation of 5.

The examiner reviews the communication letter filed on Oct. 22/ 2002 from Mrs. Kathy Needleman. However, the examiner still maintains the final rejection filed on May 22/ 2002 by following reasons:

- 1) The limitations in page 3 of the letter just mention to claim 1, but not to claim 11.
- 2) The limitations in page 3 of the letter can not explain the claim language addressed in the claim 1 because “a specific mode” stored in an input job may be different with “a specific mode” stored in an image forming apparatus, although “ a specific mode” stored in the image forming apparatus is the same as the specific mode stored in a prior job. That means, the controller can select any one of the image forming apparatus has a specific mode that is not related to a specific mode in the input job.
- 3) As to the limitation of claim 1, if the examiner assume that the controller select one of the image forming apparatus based on two conditions: first condition, the specific mode in the input job should match the specific mode in the image forming apparatus; and second condition, the specific mode in the input job should match the specific mode in a prior job, then the controller can not perform the same step above to a prior job. Because assuming that, in the begin time, if “a prior job” is a current input job, the controller can select one of the printers based on only one condition: a specific mode in an input job matching the specific mode in one of the printers. The controller cannot find the second above condition because this time no printer stores any job.
- 4) If a specific mode of a printer is the same specific mode of a prior job stored in that printer, and if the controller selects that printer based on the specific mode in the current input

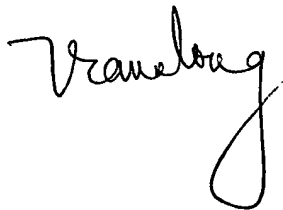
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job matching the specific mode in that printer, then the specific mode in the current input job would be matched the specific mode in that prior job. Therefore, the controller just selects one of printers based on only one condition: the specific mode in the current job should be matched the specific mode in the selected printer.

The cited references, either Hower or Shibusawa, teach the controller of the device (i.e. a server) can select one of the printers based on the specific mode of the current print job matching the specific mode in that printer (Please see in the Office Rejection).

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

Douglas Tran



GABRIEL GARCIA
- FORGNER